

BR

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN
DISTRICT OF ILLINOIS, EASTERN DIVISION.

NOTICE OF APPEAL. NOTICE OF APPEAL. NOTICE OF APPEAL.

2008 JAN -4 PM 5:14

DR. RABBI K. A. ISRAEL, CONSULAR ATTY-CLERK,
BROTHER OF, AND THE GUARDIAN FOR, U.S. DISTRICT COURT
MS. BEATRICE DEMETRICE GARTH,
P.O. BOX 803241,
CHICAGO, ILLINOIS, 60680-3241
TELE.#: (773)-469-8132

PLAINTIFF,

VERSUS

THOMAS M. LAKE, ATTORNEY AT LAW,
100 EAST COOK AVENUE, 2ND. FLOOR,
LIBERTYVILLE, ILLINOIS, 60048
TELE. #: (847)-362-5385

DEFENDANT,

AND THE INSURERS OF
THOMAS MARTIN LAKE, ATTORNEY AT LAW,
30 NO. LASALLE STREET, SUITE 2800,
CHICAGO, ILLINOIS, 60602
TELEPHONE: (312)-263-6300

FILED

JAN 04 2008

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

JURY TRIAL DEMANDED UNDER, AND
PURSUANT TO, F.R.C.P. (38): JURY TRIAL
OF RIGHT; (a), (b), (c) AND
F.R.C.P. (40): ASSIGNMENT OF CASES FOR
TRIAL, AND THE SEVENTH AMENDMENT TO THE
CONSTITUTION OF THE UNITED STATES OF
AMERICA, ET AL..

COMPLAINT FOR VIOLATIONS

OF 42 U.S.C. ss 1983, AND

A.B.A. MODEL RULES OF
PROF. CONDUCT, RULE(S):
3.7(a); MIS-APPROPRIATION,

TITLE 42; CHAPTER (21),
SUBCH. (1), ss 1985;

PARA. (2): OBSTRUCTING
JUSTICE, AND INTIMIDATING
PARTY AND WITNESS, ET AL.,

SUPR. COURT OF ILL. RULES
OF PROF. CONDUCT:

RULE 8.4; MISCONDUCT:
8.4(a)(1), (a)(2), (a)(3),
(a)(4), (a)(5), (9)(A) ET AL.

CIVIL ACTION NO.: 07cv 6609

HON. JUDGE: JUDGE JOAN H. LEF

MAGISTRATE JUDGE MAS
HON. MAG. JUDGE:

DAMAGES CLAIMED: \$2,777,000.00
TWO-MILLION-SEVEN-HUNDRED
AND SEVENTY-SEVEN
THOUSAND DOLLARS;
U.S. CURRENCY.

DISTRICT COURT JURISDICTION:
28 U.S.C. ss 1343(a)(1),
(a)(2), (a)(3), (a)(4);
CIVIL RIGHTS & ELECTIVE
FRANCHISE,

ARTICLE (III): ss (1) & (2),
ARTICLE (IV) ss (1) & (2),
ART. (VI): PARA. (2) & (3),
AND AMENDMENT(S) (I), (IV),
(V), (VI), (VII), (VIII),
(IX), (X), (XIV): ss (1),
& (XV) OF THE U.S. CONST.,
& 28 U.S.C. ss 1331,

VENUE: 28 U.S.C. ss 1391a-c.

كيفية
1-5
2008 JAN -4 PM 5:14
U.S. DISTRICT COURT

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Joan H. Lefkow	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	07 C 6609	DATE	12/5/2007
CASE TITLE	Israel vs. Lake		

DOCKET ENTRY TEXT

Plaintiff's complaint is dismissed for lack of subject matter jurisdiction. Plaintiff's application to proceed *in forma pauperis* [4], "Plaintiff's Motion to Correct Clerical Mistakes . . ." [5], and "Plaintiff's Motion to Authorize the Notice of Lawsuit . . ." [6] are denied. Noticed motion date of 12/11/2007 is stricken and case will not be called in court on 12/11/2007. Civil Case Terminated.

■ [For further details see text below.]

Mailed AO 450 form. Notices mailed by Judicial staff.

STATEMENT

Plaintiff, Rabbi K.A. Israel ("Israel"), has presented for filing a complaint, as well as:

- (1) an *in forma pauperis* application,
- (2) "Plaintiff's Motion to Correct Clerical Mistakes in the Court's Docket in Accordance with the Original 'Case-Caption' and 'Civil-Coversheet' Under, and Pursuant to F.R.C.P. 60(a); Clerical Mistakes," and
- (3) "Plaintiff's Motion to Authorize the Notice of Lawsuit and Request for Waiver of Service of Summonses, Upon the Defendants Under, and Pursuant to, F.R.C.P. (1.) Through F.R.C.P. 4(n)(2) Through F.R.C.P. 86(e)."

In assessing any complaint, the court must first decide whether it has jurisdiction over the subject matter of the law suit. *See Cook v. Winfrey* 141 F.3d 322, 325 (7th Cir.1998) ("The requirement that jurisdiction be established as a threshold matter springs from the nature and limits of the judicial power of the United States and is inflexible and without exception.") (internal quotation marks and citations omitted).

As best this court can determine, plaintiff appears to be alleging a malpractice action against Thomas M. Lake, an attorney appointed by Judge Castillo to represent Israel in a separate civil action filed by Israel in this district (*Israel v. Burnham Health-Properties Facility*, 07 CV 4702 (N.D. Ill.) (complaint filed Aug. 20, 2007)). Israel alleges that Lake:

- (a) said he was unfamiliar with practicing law in the federal courts,
- (b) made false and misleading statements about his services;
- (c) created unjustified expectations about the results that Israel could expect him to achieve;
- (d) was disingenuous and deceitful in certain statements that Lake made to the Illinois Attorney Registration and Disciplinary Commission in response to a complaint filed by Israel;
- (e) induced others to engage in conduct that Lake knew was in violation of the attorney rules of professional conduct;
- (f) committed criminal acts that reflect adversely on Lake's honesty, trustworthiness, and fitness to practice as an attorney;

STATEMENT

- (g) engaged in conduct that is prejudicial to the administration of justice;
- (h) engaged in discriminatory treatment of Israel on the basis of ethnicity, race, gender, theology, national origin, disability, age, and socioeconomic status, conduct which reflects adversely on the defendant's fitness as an attorney;
- (l) misrepresented during a probate guardianship hearing that Lake was the legal counsel for Israel after Israel had terminated his attorney-client relationship with Lake;
- (j) failed to put sufficient effort or work into Israel's case before Judge Castillo;
- (k) remained involved in Israel's legal matters after Lake was no longer authorized to represent Israel;
- (l) failed to return certain original documents that Israel had provided to him; and
- (m) failed to disclose to Israel the names of the people to whom Lake divulged privileged information regarding Israel.

Israel cites a number of federal and state laws in the first four pages of the complaint, including 42 U.S.C. §§ 1981, 1982, 1983, 1985 (civil rights statutes); 15 U.S.C. § 13(a)-(b) (the Robinson-Patman Act, an antitrust statute); the Supreme Court of Illinois's Rules of Professional Conduct; 28 U.S.C. §§ 1343, 1357 (jurisdictional statutes concerning federal civil rights suits); 15 U.S.C. § 15 (a damages statute concerning federal antitrust actions); and Articles III, IV and VI, and Amendments I, IV, V, VI, VII, VIII, IX, X, XIII, and XIV of the United States Constitution. In spite of the numerous federal statutes he cites, Israel does not appear to allege conduct that presents a question arising under the Constitution or laws of the United States over which this court could assume jurisdiction under 28 U.S.C. § 1331. Rather, it appears to be a straightforward legal malpractice action between citizens of Illinois, which is generally not cognizable under federal law. *See, e.g., Wallin v. Arapahoe County Detention Facility*, 2007 WL 2153224, at *3 (10th Cir. July 27, 2007) (noting that "a legal malpractice claim is a state-law tort claim, not a § 1983 claim"); *see also Polk County v. Dodson*, 454 U.S. 312, 325, 102 S. Ct. 445, 70 L. Ed. 2d 509 (1981) (holding that "a public defender does not act under color of state law when performing a lawyer's traditional functions as counsel to a defendant in a criminal proceeding"). In order for this court to assume jurisdiction over a non-federal claim, plaintiff must demonstrate, among other things, that the matter is between citizens of different States. *See* 28 U.S.C. § 1332(a)(1). Unless plaintiff can allege such diversity of citizenship as well as more than \$75,000 in controversy, there could be no federal jurisdiction even if leave to amend were granted. The court thus dismisses this case, although without prejudice to plaintiff's filing a complaint with an appropriate Illinois court. Plaintiff's pending motions are denied.

3.

United States District Court
Northern District of Illinois
Eastern Division

Israel

JUDGMENT IN A CIVIL CASE

v.

Case Number: 07 C 6609

Lake

- ☐ Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury rendered its verdict.
- ☐ Decision by Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS HEREBY ORDERED AND ADJUDGED that this case is dismissed for lack of subject matter jurisdiction.

Michael W. Dobbins, Clerk of Court

Date: 12/5/2007

4.

/s/ Michael Dooley, Deputy Clerk

MAGISTRATE JUDGE MASON

JUDGE JOAN H. LEFKOW

CIVIL COVER SHEET

The civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

(a) PLAINTIFFS DR. RABBI K. A. ISRAEL,
THE BROTHER OF, AND GUARDIAN FOR,
MS. BEATRICE DEMETRICE GARTH,

(b) County of Residence of First Listed Plaintiff COUNTY OF COOK,
(EXCEPT IN U.S. PLAINTIFF CASES)

07C 6609

DEFENDANTS : THOMAS MARTIN LAKE,
ATTORNEY AT LAW, AND THE
INSURERS OF THOMAS M. LAKE,

County of Residence of First Listed Defendant COUNTY OF COOK,
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)
PARALEGALS FOR CIVIL RIGHTS & HUMAN
RIGHTS, INTERNATIONALE,

Attorneys (If Known)

OF COUNSEL: JOHN M. BURKE,

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State ☒ 1 ☐ 2 Incorporated or Principal Place of Business in This State ☐ 4 ☐ 4
- Citizen of Another State ☐ 2 ☐ 2 Incorporated and Principal Place of Business in Another State ☐ 5 ☐ 5
- Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 Foreign Nation ☐ 6 ☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 161 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (and, vet.) <input type="checkbox"/> 153 Recovery of Overpayment of Veterans' Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 193 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Inj.	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury—Med. Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Rags <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 433 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 ADA—Employment <input type="checkbox"/> 446 ADA—Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentences <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
				<input checked="" type="checkbox"/> 400 State Reapportionment <input checked="" type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Satellite TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Security/Commodity/Exch. <input type="checkbox"/> 875 Customer Challenges 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fed. Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions

V. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION (Enter U.S. Civil Statute under which you are filing and write a brief statement of cause.)

TITLE 15 CHAP. (1), ss (13)(a), (19)(b),
& ss (15)(a), ET AL., DISCRIMIN. IN SERV.

VII. PREVIOUS BANKRUPTCY MATTERS (For nature of suit 422 and 423, enter the case number and judge for any associated bankruptcy matter previously adjudicated by a judge of this Court. Use a separate attachment if necessary)

VIII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

\$2,777,000.00

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

IX. This case ☒ is not a refiling of a previously dismissed action.

☐ is a refiling of case number _____, previously dismissed by Judge _____

DATE

NOVEMBER 26, 2007

SIGNATURE OF ATTORNEY OF RECORD

Dr. Rabbi K. A. Israel